

AMENDED IN SENATE JANUARY 5, 2006

SENATE BILL

No. 1074

Introduced by Senator Hollingsworth

February 22, 2005

An act to amend Section 3000 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 1074, as amended, Hollingsworth. Parole: Global Positioning System device.

Existing law provides for varying terms of parole, including terms not exceeding 3 years or 5 years, as specified, and subject to exceptions.

This bill would provide that inmates released on parole, who have been identified as "high-risk sex offenders," as defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 290.45, shall be monitored by a Global Positioning System device *while on parole, and, thereafter, for the rest of his or her life*. Further the Department of Corrections would be required to maintain the G.P.S. records of each parolee's whereabouts and upon the request of local law enforcement, provide information about a parolee's movements to compare with incidents of sex offenses reported to local law enforcement agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3000 of the Penal Code is amended to
2 read:

1 3000. (a) (1) The Legislature finds and declares that the
2 period immediately following incarceration is critical to
3 successful reintegration of the offender into society and to
4 positive citizenship. It is in the interest of public safety for the
5 state to provide for the supervision of and surveillance of
6 parolees, including the judicious use of revocation actions, and to
7 provide educational, vocational, family and personal counseling
8 necessary to assist parolees in the transition between
9 imprisonment and discharge. A sentence pursuant to Section
10 1168 or 1170 shall include a period of parole, unless waived, as
11 provided in this section.

12 (2) The Legislature finds and declares that it is not the intent
13 of this section to diminish resources allocated to the Department
14 of Corrections for parole functions for which the department is
15 responsible. It is also not the intent of this section to diminish the
16 resources allocated to the Board of Prison Terms to execute its
17 duties with respect to parole functions for which the board is
18 responsible.

19 (3) The Legislature finds and declares that diligent effort must
20 be made to ensure that parolees are held accountable for their
21 criminal behavior, including, but not limited to, the satisfaction
22 of restitution fines and orders.

23 (4) Any finding made pursuant to Article 4 (commencing
24 with Section 6600) of Chapter 2 of Part 2 of Division 6 of the
25 Welfare and Institutions Code, that a person is a sexually violent
26 predator shall not toll, discharge, or otherwise affect that person's
27 period of parole.

28 (b) Notwithstanding any provision to the contrary in Article 3
29 (commencing with Section 3040) of this chapter, the following
30 shall apply:

31 (1) At the expiration of a term of imprisonment of one year
32 and one day, or a term of imprisonment imposed pursuant to
33 Section 1170 or at the expiration of a term reduced pursuant to
34 Section 2931 or 2933, if applicable, the inmate shall be released
35 on parole for a period not exceeding three years, except that any
36 inmate sentenced for an offense specified in paragraph (3), (4),
37 (5), (6), (11), (16), or (18) of subdivision (c) of Section 667.5
38 shall be released on parole for a period not exceeding five years,
39 unless in either case the parole authority for good cause waives
40 parole and discharges the inmate from the custody of the

department. Every inmate defined as a “high-risk sex offender” pursuant to subparagraph (A) of paragraph (1) of subdivision (b) of Section 290.45, who is released on parole pursuant to this section, shall, ~~as a condition of his or her parole,~~ be monitored by a Global Positioning System device ~~for the term of his or her parole~~ *while on parole and, thereafter, for the rest of his or her life while residing, attending school, or working in California.*

The department shall maintain a database that records the parolee’s whereabouts, and upon the request of local law enforcement provide that information for the purpose of comparing the geographic correlation of the parolee’s location to sexual offense reports made to local law enforcement agencies.

(2) In the case of any inmate sentenced under Section 1168, the period of parole shall not exceed five years in the case of an inmate imprisoned for any offense other than first or second degree murder for which the inmate has received a life sentence, and shall not exceed three years in the case of any other inmate, unless in either case the parole authority for good cause waives parole and discharges the inmate from custody of the department. This subdivision shall also be applicable to inmates who committed crimes prior to July 1, 1977, to the extent specified in Section 1170.2.

(3) Notwithstanding paragraphs (1) and (2), in the case of any offense for which the inmate has received a life sentence pursuant to Section 667.61 or 667.71, the period of parole shall be five years. Upon the request of the Department of Corrections, and on the grounds that the paroled inmate may pose a substantial danger to public safety, the Board of Prison Terms shall conduct a hearing to determine if the parolee shall be subject to a single additional five-year period of parole. The board shall conduct the hearing pursuant to the procedures and standards governing parole revocation. The request for parole extension shall be made no less than 180 days prior to the expiration of the initial five-year period of parole.

(4) The parole authority shall consider the request of any inmate regarding the length of his or her parole and the conditions thereof.

(5) Upon successful completion of parole, or at the end of the maximum statutory period of parole specified for the inmate under paragraph (1), (2), or (3), as the case may be, whichever is

1 earlier, the inmate shall be discharged from custody. The date of
2 the maximum statutory period of parole under this subdivision
3 and paragraphs (1), (2), and (3) shall be computed from the date
4 of initial parole or from the date of extension of parole pursuant
5 to paragraph (3) and shall be a period chronologically
6 determined. Time during which parole is suspended because the
7 prisoner has absconded or has been returned to custody as a
8 parole violator shall not be credited toward any period of parole
9 unless the prisoner is found not guilty of the parole violation.
10 However, in no case, except as provided in Section 3064, may a
11 prisoner subject to three years on parole be retained under parole
12 supervision or in custody for a period longer than four years from
13 the date of his or her initial parole, and, except as provided in
14 Section 3064, in no case may a prisoner subject to five years on
15 parole be retained under parole supervision or in custody for a
16 period longer than seven years from the date of his or her initial
17 parole or from the date of extension of parole pursuant to
18 paragraph (3).

19 (6) The Department of Corrections shall meet with each
20 inmate at least 30 days prior to his or her good time release date
21 and shall provide, under guidelines specified by the parole
22 authority, the conditions of parole and the length of parole up to
23 the maximum period of time provided by law. The inmate has the
24 right to reconsideration of the length of parole and conditions
25 thereof by the parole authority. The Department of Corrections or
26 the Board of Prison Terms may impose as a condition of parole
27 that a prisoner make payments on the prisoner's outstanding
28 restitution fines or orders imposed pursuant to subdivision (a) or
29 (c) of Section 13967 of the Government Code, as operative prior
30 to September 28, 1994, or subdivision (b) or (f) of Section
31 1202.4.

32 (7) For purposes of this chapter, the Board of Prison Terms
33 shall be considered the parole authority.

34 (8) The sole authority to issue warrants for the return to actual
35 custody of any state prisoner released on parole rests with the
36 Board of Prison Terms, except for any escaped state prisoner or
37 any state prisoner released prior to his or her scheduled release
38 date who should be returned to custody, and Section 3060 shall
39 apply.

1 (9) It is the intent of the Legislature that efforts be made with
2 respect to persons who are subject to subparagraph (C) of
3 paragraph (1) of subdivision (a) of Section 290 who are on parole
4 to engage them in treatment.

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